



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 17, 2005

Date of Meeting: April 19, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:32 p.m. on Tuesday, April 19, 2005, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Michael D. Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Joe Chan, Tucson Chinese Baptist Church, after which Mayor Walkup requested a moment of silence on behalf of Army Private First-Class, Sam Huff who lost her life on Sunday, April 17, 2005, while serving in Iraq. Ms. Huff was a nineteen year old, 2004 Mountain View High School Graduate.

Alexis Luceford, American Legion Auxiliary Poppy Princess, lead the assembly in the Pledge of Allegiance.

Mayor Walkup acknowledged audience member, Alicia Maish, whose great-uncle, Frederick Maish, was mayor from 1889 to 1893. He said Tucson was a great city based on the things her relative did.

Presentations

- a. Mayor Walkup proclaimed May 6 to 7, 2005, American Legion Auxiliary Memorial Poppy Days.
- b. Mayor Walkup presented certificates to students from the University of Arizona Office of International Student Programs and Services as Honorary Citizens of Tucson.

Mayor Walkup presented certificates to: Cynthia Denise Angulo, from Hermosillo, Mexico; Silvana Ayala, from Hermosillo, Mexico; Davide Botta, from Lariano, Italy; Julio Eduardo Canon-Barriga, from Medellin, Colombia; Changiz Dad, from Karachi, Pakistan; Eralp Muhsin, from Bitlis, Turkey; Arif Erkoca, from Ankara, Turkey; Evghenii Fedorinov from Moscow, Russia; Mayra Karina Gonzalez, from Hermosillo, Mexico; Hong Gao, from Nehe, China; Mascha N. Gemein, from Bonn, Germany; Nurcin Koyuncu, from Istanbul, Turkey; Marinella Lentis, from Forli, Italy; Yuan Li, from Yongan, China; Yanfei Liu, from Chen Du, China; Shioka Mangharam, from Mumbai, India; Cenkhan Murzioglu, from Samsun, Turkey; Prashant Rajgarhia, from New Delhi, India; Julio Ingacio Sibrian, from San Salvador, El Salvador; Khaqan Sikander, from Karachi, Pakistan; Navaporn Srinavakul, from Bangkok, Thailand; Mark Tang, from Singapore, Singapore; Hui-Chuan Wang, from Taichung City, Taiwan, R.O.C.; Aryo Wicaksono, from Surabaya, Indonesia; Zhengzhi Xie, from Baoding, China; and Alejandra Siman.

- c. Mayor Walkup presented an award to Karen Larkin, Superintendent, Parks and Recreation Department, from the National Recreation and Parks Association, Pacific Southwest Regional Council.
- d. Mayor Walkup and Rosalyn Boxer, Assistant Deputy Director, Arizona Department of Commerce (ADOC) presented awards from ADOC to local businesses for job training programs.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 200, dated April 19, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Scott announced on April 20, 2005 at 6:30 p.m. the Ward 4 Council Office, in conjunction with Ray Carroll, Pima County Supervisor, would have a regional town hall, at Desert Sky Middle School, 9850 East Rankin Loop, in Rita Ranch. The issues to be covered would be the Houghton Area Master Plan (HAMP), the Southeast Area Arterial Study, the Airport Environs Zone (AEZ), the Regional Transportation Authority Plan, and a Tucson Water representative would be present to discuss the upcoming bond election.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 201, dated April 19, 2005, would be received into and made a part of the record. He asked for the City Manager's report.

Mike Hein, City Manager, reported:

- a. The Public Technology Institute (PTI) named the City's STAR Service Program a Top 25 Technology Solution for the year 2004.
- b. The Police Executive Research Forum (PERF) announced its publication of Issues in IT: A Reader for the Busy Police Chief Executive. The book aimed at assisting local law enforcement executives in understanding and using technology effectively and serving communities. Specifically, Chapter Seven, "Technology and Law Enforcement, Six Principals from the CIO's Perspective", was written by a couple of former employees, Todd Sander and Liz Wallendorf, from the Information Technology Department, along with Christina O'Conner, the current acting IT Director.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 197, dated April 19, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

Kathleen S. Detrick, City Clerk, announced under Item 5b there were two requests for new licenses, and one person/location transfer. Under Item 5c, there was one request for Special Event licenses.

b. Liquor License Applications

New License

1. Texas Roadhouse, Ward 6
170 S. Wilmot
Applicant: Lauren K. Merrett
Series 12, City 20-05
Action must be taken by: April 25, 2005
Staff has indicated the applicant is in compliance with city requirements.
2. Midvale Park Chevron, Ward 1
1600 W. Valencia
Applicant: Sion Dixon Phillips, III
Series 10, City 22-05
Action must be taken by: May 4, 2005
Staff has indicated the applicant is in compliance with city requirements.

Person/Location Transfer

3. District Tavern, Ward 6
260 E. Congress Street
Applicant: Noël Chester
Series 06, City 19-05
Action must be taken by: April 28, 2005
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

1. Borderlands Theater, Ward 1
40 W. Broadway Blvd.
Applicant: Charles B. Goldsmith
City T36-05
Date of Event: April 29, 2005
Annual Fundraiser
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, that liquor license applications 5b1 through 5b3, and 5c1 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH L

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S04-002) VALLE HERMOSO SUBDIVISION (RCP), LOTS 1 TO 40 AND COMMON AREAS “A” AND “B”
 - 1. Report from City Manager APRIL19-05-202 WARD 5
 - 2. Resolution No. 20054 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-002 of a final plat for the Valle Hermoso Subdivision, Lots 1 to 40 and Common Areas “A” – “B”; and declaring an emergency.
- B. FINAL PLAT: (S04-002) VALLE HERMOSO SUBDIVISION (RCP), LOTS 1 TO 40 AND COMMON AREAS “A” AND “B”
 - 1. Report from City Manager APRIL19-05-204 WARD 5
 - 2. The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- C. TUCSON CODE: AMENDING (CHAPTER 2) PROVIDING FOR DISPOSITION OF PROPERTY HELD BY TUCSON POLICE DEPARTMENT
 - 1. Report from City Manager APRIL19-05-203 CITY-WIDE
 - 2. Ordinance No. 10146 relating to administration; specifying the Tucson Police Department’s procedures for disposing of property, money, and firearms in its custody; amending Tucson Code Chapter 2 by adding a new Article IX (Sections 2-140 through 2-142); and declaring an emergency.
- D. PROFESSIONAL SERVICES CONTRACT: WITH HEINFELD, MEECH & CO., P.C. FOR AUDIT SERVICES FOR FISCAL YEAR 2005
 - 1. Report from City Manager APRIL19-05-199 CITY-WIDE
 - 2. Resolution No. 20055 relating to finance; authorizing and approving the execution of the independent auditor contract amendment with Heinfield, Meech & Co., P.C. for the 2005 Fiscal Year; and declaring an emergency.

E. REAL PROPERTY: AUTHORIZATION TO ACQUIRE PROPERTY LOCATED IN THE EL RIO ACRES NEIGHBORHOOD FOR A BACK TO BASICS IMPROVEMENT PROJECT

1. Report from City Manager APRIL19-05-205 WARD 1
2. Resolution No. 20056 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary certain rights-of-way located at various locations in the El Rio Acres Neighborhood for sidewalk, lighting and traffic mitigation purposes; and declaring an emergency.

F. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL FOR TOBACCO RETAIL COMPLIANCE INSPECTIONS

1. Report from City Manager APRIL19-05-206 CITY-WIDE
2. Resolution No. 20057 relating to police; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Attorney General's Office, the Department of Law, State of Arizona for Tobacco Retail Compliance Inspections; and declaring an emergency.

G. MEMORIAL: URGING THE UNITED STATES CONGRESS TO REJECT THE PRIVATIZATION OF SOCIAL SECURITY AND TO RETAIN GUARANTEED BENEFIT LEVELS

1. Report from City Manager APRIL19-05-207 CITY-WIDE
2. A Memorial relating to Social Security; urging the United States Congress to reject the privatization of Social Security and to retain guaranteed benefit levels.

Item G considered separately at the request of Council Member Leal.

H. REAL PROPERTY: ACQUISITION OF EASEMENT LOCATED ON NORTH KOLB ROAD FOR MONITOR WELL INSTALLATION

1. Report from City Manager APRIL19-05-208 WARD 2
2. Resolution No. 20058 relating to real property; authorizing the City Manager to acquire by negotiation an easement in a certain portion of real property located at 1600 North Kolb Road for installation of a monitor well; and declaring an emergency.

- I. ASSURANCE AGREEMENT: (S04-142) THE HOFFMAN PARCEL SUBDIVISION, LOTS 1 TO 5
1. Report from City Manager APRIL19-05-209 WARD 4
 2. Resolution No. 20059 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-142 of a Final Plat for the Hoffman Parcel Subdivision, Lots 1 to 5; and declaring an emergency.
- J. FINAL PLAT: (S04-142) THE HOFFMAN PARCEL SUBDIVISION, LOTS 1 TO 5
1. Report from City Manager APRIL19-05-210 WARD 4
 2. The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- K. APPROVAL OF MINUTES
1. Report from City Manager APRIL19-05-211 CITY-WIDE
 2. Approval of minutes for the special Mayor and Council meeting held on June 21, 2004, and regular meetings of the Mayor and Council held on June 21, 2004, and March 22, 2005.
- L. ELECTIONS: DESIGNATING POLLING PLACES AND APPOINTING ELECTION BOARDS FOR THE MAY 17 BOND SPECIAL ELECTION
1. Report from City Manager APRIL19-05-212 CITY-WIDE
 2. Resolution No. 20060 relating to elections; designating the polling places where votes may be cast in the City of Tucson's May 17, 2005 Bond Special Election; listing precincts combined for the Bond Special Election, with one designated polling place; listing precincts not combined with any other precincts but having polling places within adjacent precincts because no suitable polling place is available within their own boundaries; and declaring an emergency.
 3. Resolution No. 20061 relating to elections; appointing officials who will serve as members of the precinct election boards, early ballot processing boards, and other special election boards for the City of Tucson's May 17, 2005 Bond Special Election; and declaring an emergency.

It was moved by Vice Mayor Dunbar, duly seconded, that Consent Agenda Items A through L, with the exception of Item G which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through L, with the exception of Item G, were declared passed and adopted by a roll call vote of 7 to 0.

G. MEMORIAL: URGING THE UNITED STATES CONGRESS TO REJECT THE PRIVATIZATION OF SOCIAL SECURITY AND TO RETAIN GUARANTEED BENEFIT LEVELS

1. Report from City Manager APRIL19-05-207 CITY-WIDE
2. A Memorial relating to Social Security; urging the United States Congress to reject the privatization of Social Security and to retain guaranteed benefit levels.

Council Member Leal requested Robert Martinez to comment on Item G.

Robert Martinez, representative of Machinists Union, representing several aerospace companies in the Tucson area, including one of the largest employers, Raytheon, said it had been his experience when negotiating contracts that the future retirees were under attack. He summarized a statement made by Robert Kennedy,

Mr. Martinez asked on behalf of the twenty-four thousand working people affiliated with the Pima Aerial Labor Federation, the future and current retirees in the community, the disabled, the children of deceased parents currently receiving social security benefits, that the Tucson City Council adopt the memorial and send a message from the City of Tucson that they still had a moral vision for looking out for the citizens.

Council Member Leal thanked Mr. Martinez. He said clearly the issue of Social Security would be one of the most significant issues facing the American people, conceivably in this century.

Council Member Leal said there were some forty-seven million Americans financially dependent on Social Security. He said five million were children and to

privatize social security would hijack their futures. It was overreacting to a problem. Social Security had a problem, but it was manageable in more judicious ways than privatization.

Council Member Leal stated Congress, over the years, had taken billions from social security. Repayment was also needed. There were probably sixty-five thousand seniors living below the poverty level in Tucson. There were eighty-eight thousand people living below the poverty level, ninety-two thousand which were single women with children in Tucson. If it were privatized, all those people, aside from being harmed, would come to the Council and they would need to pick up the slack. Here were local communities being dumped on by either indifference or opportunism.

Council Member Leal said they had to send a clear message, a resolute message, that they did not want the privatization aspect of Social Security to occur. It would be unconscionable; it would add mismanagement upon mismanagement.

It was moved by Council Member Leal, duly seconded, to send the memorial to the Arizona Delegation.

Council Member Ronstadt agreed Social Security was in desperate trouble.

A substitute motion was made by Council Member Ronstadt, duly seconded, to adopt an alternate memorial which he read into the record.

“A MEMORIAL

RELATING TO SOCIAL SECURITY; URGING THE UNITED STATES CONGRESS TO REJECT THE PRIVATIZATION OF SOCIAL SECURITY AND TO RETAIN GUARANTEED BENEFIT LEVELS.

TO THE CONGRESS OF THE UNITED STATES:

YOUR MEMORIALIST RESPECTFULLY REPRESENTS AS FOLLOWS:

WHEREAS, Social Security provides crucial, and often indispensable income protection for forty-seven million individuals with one of every six Americans receiving benefits; and

WHEREAS, Social Security's income protections of guaranteed, lifelong benefits, cost-of-living adjustments to guard against inflation, increased benefits for families, greater income replacement for low-income workers, and disability and survivor benefits are the backbone of retirement security and family protection in the United States; and

WHEREAS, Social Security is the nation's most successful and most important family income protection program, but has long-term funding needs that must be addressed; and

WHEREAS some policymakers propose to address these needs by draining resources from the Trust Fund into private accounts, thereby increasing the federal deficit; and

WHEREAS, some policymakers have suggested that the federal government not pay back the money that it has taken from the Social Security Trust Fund over the past twenty years and used for other purposes; and

WHEREAS, privatizing Social Security may cut guaranteed benefits for young workers, thus denying benefits they have earned and imperiling their economic security; and

WHEREAS, cutting guaranteed benefits will hurt the elderly because Social Security is the only secure source of retirement income for most Americans; and

WHEREAS, cutting guaranteed benefits will also hurt all people who are likely to rely on Social Security for the majority of their retirement income; and

WHEREAS, diverting resources from Social Security to fund private accounts will threaten guaranteed survivor and disability benefits, thus harming working families; and

WHEREAS, privatizing Social Security will burden state and local governments, as cuts in guaranteed benefits will increase state and local demands for public assistance;

NOW, THEREFORE, YOUR MEMORIALIST, THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, PRAYS:

1). That the United States Congress commit to repaying the Social Security Trust Fund all of the money that has been borrowed from it and utilized for other purposes;

2) That the United States Congress carefully study a variety of potential changes that will address Social Security's problems while ensuring that the program will continue to meet its purpose of providing income protection and economic security for America's families;

3) That any changes adopted by Congress to the Social Security System strengthen Social Security's family income protections without cutting guaranteed benefits or increasing the federal deficit; and

4) That the United States Congress reject proposals to divert money out of Social Security to fund private retirement investment accounts.

5) The City Clerk is authorized and directed to send a copy of the Memorial to each member of the Arizona Congressional Delegation.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona.”

Mayor Walkup asked if there was any discussion and hearing none he asked for a roll call vote on the substitute motion.

Upon roll call, the results were:

Aye: Council Member Ronstadt; Vice Mayor Dunbar and Mayor Walkup

Nay: Council Members Ibarra, West, Scott, and Leal

Substitute motion on Consent Agenda Item G, failed by a roll call vote of 3 to 4.

Mayor Walkup asked for a roll call vote on the primary motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal

Nay: Council Member Ronstadt; Vice Mayor Dunbar and Mayor Walkup

Consent Agenda Item G, was declared passed and adopted by a roll call vote of 4 to 3. Vice Mayor Dunbar requested a copy of the vote be included with the memorial so it did not appear to be a unanimous decision by Mayor and Council.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Michael Toney presented the Mayor and Council with information regarding the State Legislatures comments on State Trust Land Sales. He referred to Arizona Revised Statutes 37-221(E) and 37-331. He also referred to the Houghton Area Master Plan (HAMP), a view of the County's position on the University of Arizona Science Center, and Davis-Monthan noise problems.
- b. John Garwood, Church Without Walls, gave the message that all of life was personal. He acknowledged the work of Bishop Chicago of the Church Without Walls. He also addressed his concern regarding the sidewalk ordinance.
- c. Servant Bishop Chicago, Church Without Walls, addressed his concerns regarding noise from jets flying over the City. He also commented against loitering violations.
- d. Robert Martinez thanked the Mayor and Council for passing the memorial. (This related to Consent Agenda Item G.)

8. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 198, dated April 19, 2005, would be received into and made a part of the record.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to appoint Dr. Buell T. Jannuzi to the Outdoor Lighting Code Committee.

9. ADJOURNMENT 6:32 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, April 26, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

ATTEST:

MAYOR

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 19th day of April, 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:rm/dm